

Remarks

Claims 1, 57-60 are pending. Claim 1 has been amended. Claims 57 to 60 have been added.

Priority

The Office action indicated that the priority claim was not listed as the first sentence of the specification and is therefore not in compliance with 37 CFR § 1.78(a)(2)(iii). Applicants filed on February 12, 2007 an amendment to the specification to correct the priority claim with a petition under 37 C.F.R. § 1.78(a)(3) for the unintentionally delayed benefit claim under 35 U.S.C. § 119(e) and 35 U.S.C. § 120.

Information Disclosure Statement

The information disclosure statement filed October 5, 2006 was objected to for allegedly failing to comply with the provisions of 37 C.F.R. § 1.97, 1.98 and MPEP § 609. Specifically, the Office action notes that dates were not provided for the listed NIH grants as required by 37 C.F.R. § 1.98(b)(5). Applicants submit concurrently a replacement information disclosure statement and reference list. However, as the Office action states that the prior filed IDS was placed in the application file, copies of the cited grants are not provided with this submission.

Specification

The disclosure was objected to for allegedly containing embedded hyperlinks. The specification is amended herein to remove "http://" from the internet addresses such that it will not create an embedded hyperlink. It is believed this satisfies the requirements set forth in MPEP § 608.01.

Drawings

The Office action objects to the drawings, because the description of Figure 7A refers to color that can not be seen in black & white drawings. Applicants have amended the specification

to remove the reference to color in the figure legend for Figure 7A. No new matter is added by this amendment.

Rejection Under 35 U.S.C. § 112, second paragraph

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Office action indicates that the phrase “antisense RNA transcripts from mRNA of each of the plurality of cells” is unclear in that no verb is present for the positive action method step. Applicants have amended claim 1 to remove the objected to phrase. No new matter is added by this amendment.

Rejections Under 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Musselman et al (Reproductive Toxicology, 8(5):383-395, 1994). Claim 1 was further rejected under 35 U.S.C. § 102(b) as being anticipated by Eberwine et al (The Neuroscientist, 1(4):200-211, 1995). Claim 1 was further rejected under 35 U.S.C. § 102(e) as being anticipated by Eberwine et al (US Patent No. 5,723,290). Applicants respectfully traverse these rejections to the extent that they are applied to the claims as amended.

Specifically, claim 1 is amended to recite “wherein the mRNA encode 2 or more genes selected from the group consisting of l-ACT, cyclin D1, HSP27, weel, GAD and HES1.” Support for this amendment can be found at least on page 33, lines 18-20 of the specification. As Musselman et al, Eberwine et al (The Neuroscientist, 1995), or Eberwine et al ('290) do not teach methods of profiling mRNA production of two or more of the genes selected from the group consisting of l-ACT, cyclin D1, HSP27, weel, GAD and HES1, Applicants respectfully request the withdrawal of this rejection.

Claims 58 and 59 are also added. Support for these claims can be found on page 28, lines 8-11. As Musselman et al, Eberwine et al (The Neuroscientist, 1995), and Eberwine et al ('290) do not teach methods of profiling mRNA production for degenerative disease generally or Alzheimer's disease specifically, Applicants respectfully request allowance of these claims.

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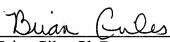
Claim 60 is also added to limit the plurality of cells to those isolated from a blood sample collected from a living patient. Support for this amendment can be found on page 27, lines 8-10. Musselman et al, Eberwine et al (1995), or Eberwine et al ('290) do not teach methods of profiling mRNA production for diseases, degenerative diseases, or Alzheimer's disease from peripheral blood. Applicants therefore respectfully request the withdrawal of this rejection.

Conclusion

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A Credit Card Payment authorizing payment in the amount of \$510.00, representing the fee for a small entity under 37 C.F.R. § 1.17(a)(3) for a Three Month Extension of Time, and a Request for Extension of Time are hereby enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
NEEDLE & ROSENBERG, P.C.

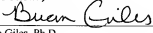


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I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.



P. Brian Giles, Ph.D.

7/11/07

Date